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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/209,440	12/10/1998	GEORGE GREGORY GRUSE	SE9-98-007	6983

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EXAMINER
NGUYEN, NGA B

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/209,440	Applicant(s) Gruse et al.
	Examiner Nga B. Nguyen	Art Unit 2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 29, 2001*

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *53-62 and 73-87* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *53-62 and 73-87* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on October 29, 2001 , which paper has been placed of record in the file.

2. Claims 53-62 and 73-87 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 53-62 and 73-82 have been fully considered but are moot in view of the new grounds of rejection.

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 112

5. ***The following is a quotation of the second paragraph of 35 U.S.C. 112:***

> ***The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.***

6. Claims 54, 74, and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because they contain the trademark (IBM) as the limitation in the claim. See MPEP § 2173.05(u).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 53-62 and 73-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al, U.S. Patent No. 5,892,900 in view of Official Notice taken by Examiner.

Regarding to claim 73, Ginter discloses a method for providing a collection of data structures and subroutines for developing an application for playing digital content data, the method comprising the steps of:

receiving previously encrypted content data encrypted with an encrypted key from an external source (column 309, line 25-column 313, line 56);

decrypting the received previously encrypted content (column 195, lines 27-47 and column 64, lines 15-40);

storing the previously encrypted content data in library (column 307, line 5-column 308, line 61);

selecting one or more encrypted content data from the library to play (column 198, line 40-column 199, line 32); and

decrypting each content data selected to be played with its unique decrypting key, wherein the decrypting is performed in a tamper-resistant subroutine for deterring unauthorized access to the instructions for decrypting the content data and for deterring unauthorized access to the decrypting key and wherein the decrypting and re-encrypting instructions are performed in the tamper resistance subroutine (column 195, lines 27-47 and column 64, lines 15-40).

Ginter does not disclose re-encrypting the decrypted received content data with a local encrypting key wherein the local encrypting key is a type of encrypting key which enables streaming playback of the encrypted content while the encrypted content is being decrypted and without the need to first decrypt the entire encrypted content. Official notice is taken that using stream encryption algorithm (SEAL) in which the local encrypting key is a type of encrypting key which enables streaming playback of the encrypted content while the encrypted content is being decrypted to encrypt the content is old and well-known in the art of cryptography. Therefore, it

would have been obvious to one with ordinary skill in the art at the time the invention was made to implement the encryption method of Ginter's by using stream encryption algorithm (SEAL) instead of data encryption algorithm (DES) for the purpose of allowing treaming playback of encrypted content.

Regarding to claim 74, Ginter further discloses decrypting the received previously encrypted content data prior to storage in the library; re-encrypting the decrypted receive content data with a local encryption key (columns 170-172). Ginter does not disclose local encrypting key includes encrypting with SEAL algorithm. Official notice is taken that encrypting using SEAL algorithm is old and well-known in the art of cryptography (see claim 73 above).

Regarding to claim 75, Ginter further discloses re-encrypting the decrypted receive content data utilizes a unique local encryption key for each content data prior to storage (column 171, lines 43-55).

Regarding to claim 76, Ginter further discloses re-encrypting each unique local encryption key with a common local encryption key (column 173, lines 45-60).

Regarding to claims 77-78, Ginter further discloses storing the unique local encryption key and the common local encryption key in several distinct parts throughout an information processing system (column 171, lines 48-51).

Regarding to claims 79-81, Ginter further discloses creating play-lists for playing one or more content data and playing the content data in each play list; naming each play-list created;

storing the named play list for playing the content data in each play list at a later time; sorting each play-list in response to a user request (columns 314-316).

Regarding to claim 82, Ginter further discloses playing each content data selected to be played; and displaying the metadata associated with the content data (columns 316-320).

Claims 53-62 are written in computer software and parallel limitations as found in claims 73-82 discussed above, therefore are rejected by the same rationale.

Claims 83-87 are written in apparatus and parallel limitations as found in claims 73-77 discussed above, therefore are rejected by the same rationale.

Conclusion

9. Claims **53-62** and **73-87** are rejected.

10. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure: (Theses prior arts are supported for Official notice taken by Examiner)

Kocher et al. (US 6,278,783) discloses methods and apparatuses for improving DES and other cryptographic protocols.

Walker et al. (US 6,163,771) discloses a device for facilitating financial account transactions includes a processing unit including a cryptographic processor.

Kuperstein et al. (US 6,128,398) discloses method and system for the recognition, verification and similarity ranking of facial or other object pattens.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

12. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
March 1, 2002

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100